Merchant Ship Conversion in Warfare, the Falklands (Malvinas) Conflict and the Requisition of the QE2

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In May 1982 the British government requisitioned numerous private vessels, including the transatlantic liner the RMS Queen Elizabeth 2 (QE2), for use during the Falklands (Malvinas) War. In taking up ships from trade, the rules contained in the 1907 Hague Convention VII relating to the conversion of merchant ships into warships afforded some guidance to Britain. This article reviews the development of the use made by governments of private ships during wartime, the need for Hague Convention VII, and the relevance of that Convention to the British requisition exercise undertaken in 1982.

Introduction

Of the many occurrences in 2007, three are of note here: the centenary of the Second Hague Peace Conference,¹ the 25th anniversary of the Falklands (Malvinas) War from 2 April to 25 June 1982,² and the sale of the former

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² The war essentially concerned a long-standing dispute over sovereignty of the islands, but its causes are beyond the scope of this discussion. The Falklands form part of the British Sovereign Territories. Argentina also claims sovereignty, calling them the Islas Malvinas. For a brief account, see, e.g., D.J. Harris, Cases and Materials on International Law (London: Sweet & Maxwell, 3d ed., 1983), at p. 171. The controversy is ongoing. Contrast, e.g.,
Cunard transatlantic liner, the *RMS Queen Elizabeth* 2, after 40 years of active passenger service. What links all three events was the British government’s requisition in May 1982 of the QE2 for use in the Falklands (Malvinas) War as a troop ship along with many other merchant ships taken up from trade (termed ‘STUFT’) to perform auxiliary duties for Britain during the military campaign in the Falklands. British sovereign powers of ship requisition are found generally within the loosely-defined residual powers of the Crown (the ‘Royal Prerogative’), currently held by H.R.H. Queen Elizabeth II, and known to have been used at least since 1189 during the Third Crusade. The exercise of the Royal Prerogative is delegated generally to the government of the day by means of Orders in Council, and is utilised, *inter alia*, for foreign policy and war powers.

Governments have long made use of private ships during wartime, but procedures have varied. Calls came in 1904 from the U.S. President, Theodore Roosevelt, and subsequently in 1906 from the Russian Czar, Nicholas II, for a Second Hague Peace Conference to be convened. Various maritime issues had by that time become pressing for the steadily-increasing number

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3) An investment arm of the Dubai government paid £50 million to purchase the ship for use as a floating hotel. The QE2 was the longest-serving ship in the 168-year history of the Cunard line, and was the last liner to be launched from the Clyde, in 1967. See, e.g., J. Kollewe and J. Orr, ‘QE2 heads to luxury retirement home in Dubai’, guardian.co.uk, 18 June 2007.


